



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**SEP 14 2016**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6126 5698

Mr. Chad Livingston  
Environmental Engineer  
Canadian Pacific Railway  
120 S. Street, Ste. 900  
Minneapolis, MN 55402

RE: Canadian Pacific Railway – Train Derailment  
24432-24712 Creek Valley Road  
Sherrill, Iowa 52703  
EPA RCRA ID No.: IAR000519991

Dear Mr. Livingston:

**Letter of Warning & Request for Information**

In January, 2016, this office e-mailed to you directions for downloading the instructions and forms for the 2015 Hazardous Waste Report (commonly called the Biennial Report). This report was to be completed for hazardous waste activities at the location referenced above for calendar year 2015, and submitted on or before March 1, 2016. To date, we have not received the report for the referenced location. All hazardous waste treatment, storage, and disposal facilities and large quantity generators of hazardous waste must complete this report in accordance with Title 40 of the Code of Federal Regulations (CFR) §262.41.

Below is a link to the U.S. Environmental Protection Agency's web site from which you can print the instructions and forms for the 2015 Hazardous Waste Report (commonly called the Biennial Report). These documents can be downloaded from:

[https://www.epa.gov/sites/production/files/2015-11/documents/2015\\_hwr\\_instructions\\_forms.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/2015_hwr_instructions_forms.pdf)

Within 15 days of your receipt of this letter, you are required to submit the completed 2015 Hazardous Waste Report to the address listed below. In accordance with 40 CFR §2.203(b), a facility may assert a claim of confidentiality covering all or part of its Hazardous Waste Report. All claims of confidentiality will require substantiation. You bear the burden of substantiating your confidentiality claim pursuant to 40 CFR §2.208(e).



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Failure to submit the 2015 Hazardous Waste Report could subject your facility to an enforcement action which may include substantial penalties. The penalties sought in such an enforcement action can be up to \$37,500 per violation per day of non-compliance. Within 15 days of your receipt of this letter, your completed 2015 Hazardous Waste Report must be submitted to:

Ms. Elizabeth Koesterer (AWMD/WEMM)  
U.S. Environmental Protection Agency  
11201 Renner Boulevard  
Lenexa, KS 66219

Enclosed for your information, is a Hazardous Waste Site Info Verification Report. This report displays the contact, location and hazardous waste generator status information for the referenced location that is currently maintained in our files. If this location did not treat, store or dispose of hazardous waste on-site, or was not a large quantity generator of hazardous waste in calendar year 2015, please indicate on the enclosed Handler Information Report that you are not required to file the 2015 Hazardous Waste Report and return it to the address above. If you have any questions concerning this matter, please contact Ms. Koesterer at (913) 551-7673.

Sincerely,



Mary Goetz  
Chief

Waste Enforcement and Materials Management Branch  
Air and Waste Management Division

Enclosure

cc: Amie Davidson, Chief, Solid Waste Section  
Iowa Department of Natural Resources